



March 22, 2007

H.R. 1591 – U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act of 2007

Floor Situation

H.R. 1591 is being considered on the floor pursuant to a closed rule. The rule:

- Provides 4 hours of debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Appropriations.
- Waives all points of order against consideration of the bill except for clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Provides that the amendment in the Rules Committee report shall be considered as adopted.
- Waives all points of order against the bill, as amended, and provides that the bill, as amended, shall be considered as read.
- Provides for one motion to recommit with or without instructions.

The bill was introduced by Representative David Obey (D-WI) on March 20, 2007. The bill was favorably reported from the Committee on Appropriations, by a recorded vote of 36 to 28, on March 15, 2007.

H.R. 1591 is expected to be considered on the floor on March 22, 2007.

Background

In February, along with the release of the President's budget for FY 2008, the Administration released its FY 2007 supplemental request. The President's request called for \$93.4 billion in emergency supplemental appropriations for the Global War on Terror (GWOT). \$70 billion was provided for the GWOT in the FY 2007 Defense Appropriations bill (P.L. 109-289).

The Administration's request called for:

- **Operations:** \$39.3 billion

Incremental pay and benefits for 320,000 military personnel, military operations, and subsistence and logistics support.

➤ **Force Protection:** \$8 billion

Body armor, aircraft survivability components, command and control equipment, radios, and night vision equipment.

➤ **Improvised Explosive Device (IED) Defeat:** \$2.4 billion

Provides funding designed to counter IEDs.

➤ **Military Intelligence:** \$2.7 billion

This funds among other things: Airborne ISR, All-Source Intelligence Analysis, and Counterintelligence.

➤ **Iraq Security Forces:** \$3.8 billion

Logistics capability and equipment, infrastructure and sustainment of ground forces, Air Force (12 counter insurgency aircraft, 8 trainers and sustainment), Navy (41 boats and support infrastructure), and National Police capabilities.

➤ **Afghan Security Forces:** \$5.9 billion

Funding to build the Afghan National Army and the Afghan National Police, expanding training and equipping of Afghan forces from 112,000 to 152,000.

➤ **Coalition Support:** \$1 billion

Funds airlift and support and military capacity building for coalition partners.

➤ **Commander's Emergency Response Program:** \$500 million

Provides ground commanders with funds for humanitarian relief and reconstruction for schools, power lines and generators, health care centers, and civic and cultural facilities.

➤ **Military Reconstruction:** \$1.1 billion

Operational facilities in Iraq and Afghanistan, roads and bridges, basic infrastructure, force protection enhancement, and support facilities.

➤ **Regional War on Terror:** \$300 million

Funds counterterrorism efforts outside Iraq and Afghanistan

➤ **Reconstitution:** \$13.9 billion

Equipment replacements, repair of tanks, vehicles, aircraft and communication systems, replenishment of munitions, and rapid acquisition fund.

➤ **U.S. Forces “Plus Up”:** \$5.6 billion

Increases five Brigade Combat teams, to consist of approximately 21,500 troops, in Iraq to support the Iraqi government’s security efforts.

➤ **Accelerate Brigade Combat Teams/ Establish Regimental Combat Team:** \$3.6 billion

Funding to accelerate transition of 2 Army Brigade Combat Teams and establishes 3 new Marine Corps battalions to form the 9th Regimental Combat Team.

➤ **Grow the Force:** \$1.7 billion

Construction and other infrastructure improvements to support the growing force and to provide the equipment for the new forces.

➤ **Non-DOD Classified:** \$3.6 billion

On March 9, 2007, the Office of Management and Budget (OMB) released its updated supplemental request which reallocates \$3.2 billion within the original request. The revised request calls for:

- An additional \$769 million for Operations and Personnel for additional support to deployed Brigade Combat Teams.
- An additional \$1.5 billion for equipment, including \$500 million for Mine Resistant Ambush Protected vehicles.
- An additional \$150 million for Provincial Reconstruction Teams. This funding is to cover the costs of secure transportation and force protection of the new Provincial Reconstruction Teams being established in Iraq.
- An additional \$100 million for State-Owned Enterprises (factory restarts) to help re-start state-owned factories.
- An additional \$510 million to cover the costs for combat soldiers and trainers for combat operations in Afghanistan.

- An additional \$110 million to support Pakistan's efforts in the War on Terrorism.
- An additional \$50 million for a medical care fund for returning GWOT service members.

These amendments do not increase the amount of the total request, but instead offset the cost by lowering the requested amounts for other items within the original request. All numbers included in the summary below reflect the updated request.

Republicans have expressed concerns about two different aspects of the supplemental. The first concern is about the restrictions on the President's role as Commander in Chief. H.R. 1591 requires the Secretary of Defense to begin withdrawing troops from Iraq no later than March 1, 2008 and to have completed a withdrawal by August 2008, regardless of what conditions are on the ground at that point.

The second concern is about spending that is unrelated to the Global War on Terrorism and exceeds the President's budget request, and does not have to be offset by spending reductions since it is designated as emergency spending. This additional spending includes \$400 million for LIHEAP, \$25 million for spinach producers, \$100 million for citrus, \$60.4 million for fisherman in the Klamath region, and \$5 million for aquaculture.

H.R. 1591 includes \$21.6 billion in additional spending beyond the Administration's total request of \$103 billion, which breaks down as follows:

House Additions to 2007 Supplemental Request
(figures rounded in billions of dollars)

| | |
|--------------------------|-----|
| Defense Health | 1.7 |
| Veterans Affairs | 1.7 |
| DOD/GWOT | 2.1 |
| BRAC | 3.1 |
| Homeland Security | 2.5 |
| Additional Katrina | 3.0 |
| Agricultural Disaster | 3.7 |
| Avian flu/HHS | 1.0 |
| Wildland Fire Management | 0.5 |
| Secure Rural Schools | 0.4 |

| | |
|------------------------|-------------|
| LIHEAP | 0.4 |
| SCHIP | 0.8 |
| Other | 0.7 |
| Total Additions | 21.6 |

The total funding level for H.R. 1591 is \$124.3 billion. On March 15, 2007, the House Appropriations Committee held a markup and approved the supplemental by a vote of 36 to 28. The committee considered several amendments:

Amendments Approved by Full Committee

Rep. Murtha (D-PA) offered a Manager's Amendment, which passed by voice vote. The amendment:

- Reauthorizes the EMP Commission through June 30, 2008 instead of allowing authorization to expire at end of September 30, 2007.
- Removes \$16 million in funding to provide additional office space for House employees.
- Prevents closure of the Walter Reed Army Medical Center.

**Note: Walter Reed is set for closure as part of the BRAC process. This amendment prevents that closure.*

- Adds Florida (along with Texas, Louisiana, and Mississippi) to states that are eligible to receive 100 percent for the Federal share of assistance from FEMA for Hurricanes Katrina, Wilma, Dennis, and Rita.
- Provides \$750 million to eliminate SCHIP funding shortfalls.
- In the Committee Report, adds a section directing that \$30 million of funding provided for Defense Health Program be used for "strengthening the recruitment and formalized training for administrative and casework personnel." This is meant to address the problem of disability reviews not being conducted in a timely manner.

Rep. Mark Kirk (R-IL) offered an amendment, which passed by voice vote, to extend the minimum wage to American Samoa, something the original House-passed bill (H.R. 2) did not do.

Rep. Wicker (R-MS) offered an amendment, which passed by voice vote, that appropriates “such sums as may be necessary” to provide trained military attorneys to represent soldiers pursuing claims before Physical Evaluation Boards and earlier in the Army Disability Evaluation System process.

Rep. Rehberg (R-MT) offered an amendment expressing the sense of the Congress that the President is Commander in Chief, and the role of Commander in Chief is granted solely to the President by Article II, Section 2 of the U.S. Constitution.

Rep. Murtha (D-PA) offered a Substitute Amendment to the Rehberg Amendment. The Murtha Substitute Amendment used the text of the Rehberg Amendment but also added a section expressing the sense of the Congress that “Congress has the power solely to declare war under Article I, Section 8, Clause 11, of the United States Constitution.” The Murtha Substitute Amendment was approved by voice vote.

Rep. Moran (D-VA) offered an amendment, which passed by voice vote, that adds to the Committee Report a section calling for the President to pursue the “New Diplomatic Offensive” for Iraq and the Region as recommended by the Iraq Study Group. Committee Republicans in accepting this amendment noted that the President is already doing this.

Rep. Murtha (D-PA) offered a Substitute Amendment to an amendment offered by Ranking Member Lewis (R-CA), the text of which was approved by the committee by a vote of 37 to 27.

The Murtha Amendment states Congressional findings regarding the authorization of force in Afghanistan, the authorization of force in Iraq, the honorable service of our troops in fighting terrorism and providing for the security of the United States, and the sacrifices made by the troops while fighting for the security of the United States.

The Murtha Substitute Amendment also expresses Congressional support for the “needs of the members of the Armed Forces who the Commander in Chief has deployed in harm’s way” but deletes the portion of Lewis’s proposed amendment which states “Congress will not cut off or restrict funding for units and members of the Armed Forces that the Commander in Chief has deployed in harm’s way in support of Operation Iraqi Freedom and Operation Enduring Freedom.”

The Murtha Substitute Amendment also deleted the section of the Lewis Amendment that eliminates provisions in the underlying bill providing for a timetable for withdrawal of U.S. troops from Iraq.

**Note: The Lewis Amendment contained two major provisions which were not included in the Murtha Substitute Amendment (and therefore with passage of the Murtha Substitute, did not become part of the bill). The first is the statement that “Congress will not cut off or restrict funding for units and members of the Armed Forces that the Commander in Chief has deployed in harm’s way in support of Operation Iraqi Freedom and Operation Enduring Freedom.”*

The second provision that was in the Lewis Amendment, but was not included in the Murtha Substitute, was the deletion of the provisions requiring a withdrawal of U.S. forces from Iraq.

Rep. Crenshaw (R-FL) offered an amendment, which passed by voice vote, that expresses the sense of the Congress that commanders should be allowed to conduct the war and manage the movements of troops and Congress should remain focused on executing its oversight role.

Amendments Rejected by Full Committee

Rep. Culberson (R-TX) offered an amendment to strike a provision in the bill which requires state and local security standards to be met before the Department of Homeland Security approves a site security plan for a chemical facility. The amendment was rejected by voice vote.

Rep. Kirk (R-IL) offered an amendment to strike the emergency designation for spending in the bill not related to hurricane relief, the war on terrorism, or veterans. The amendment was defeated by voice vote.

Rep. Kirk (R-IL) offered an amendment to strip the \$25 million in spending for spinach from the bill. The amendment was defeated by voice vote.

Rep. Wamp (R-TN) offered an amendment to provide \$16 million for a radio modernization program for the capitol police. The amendment was defeated by voice vote.

Rep. Young (R-FL) offered an amendment to prevent funding for the war in Iraq except “as necessary to protect the lives of American citizens and to provide for the orderly withdrawal of United States military forces.” This amendment was rejected by a vote of 0 to 64.

Administration Position

The Administration released a Statement of Administration Policy (SAP) that among other things states, “If this legislation were presented to the President, he would veto the bill.”

The SAP specifically expresses concerns regarding:

- **Requirements concerning troop withdrawal from Iraq:** “Regardless of the success our troops are achieving in the field, this bill would require their withdrawal.”

**Note: An amendment was offered by Ranking Member Lewis to strike this provision from the bill, but it was defeated during the Appropriations Committee markup.*

- **Non-emergency spending:** “This bill adds billions in unrequested spending that is largely unjustified and non-emergency.”

**Note: An amendment was offered by Representative Kirk that would have addressed the non-emergency spending issue, but it was defeated at the Appropriations Committee markup.*

- **BRAC.** The SAP expresses concern about not including offsets for the \$3.1 billion in spending for the Base Realignment and Closure Commission (BRAC), as requested by the President’s budget.
- **Operations and Maintenance.** The SAP expresses concern about cuts of \$1.9 billion to the Operations and Maintenance portion of the President’s supplemental request and also \$350 million from the President’s request for training, equipping, transporting, and sustaining partners in the Global War on Terror that is not funded by H.R. 1591.
- **General Transfer Authority.** The SAP expresses concern that the General Transfer Authority (GTA) funding is not increased from \$4.5 billion to \$8 billion for the FY 2007 DOD Appropriations Act. General Transfer Authority allows the Department of Defense to reallocate funds to address the needs of field commanders.
- **100-Percent Federal match for FEMA.** The SAP expresses opposition to the waiver on the state match requirement for Louisiana, Mississippi, Florida, and Texas assistance related to Hurricanes Katrina, Rita, Wilma, and Dennis.
- **Corps of Engineers.** The Administration opposes the \$1.3 billion in unrequested funding for the Army Corps of Engineers.

Summary

Title I: Supplemental Appropriations for the Global War on Terror

Foreign Agriculture Service (USDA)

- PL 480 Title II Grants: \$450 million

Legal Activities (DOJ)

- Salaries and Expenses: \$1,648,000

United States Attorneys (DOJ)

- Salaries and Expenses: \$5 million

United States Marshals Service (DOJ)

- Salaries and Expenses: \$2,750,000

National Security Division (DOJ)

- Salaries and Expenses: \$1,736,000

Federal Bureau of Investigation (DOJ)

- Salaries and Expenses: \$118,260,000

Drug Enforcement Administration (DOJ)

- Salaries and Expenses: \$8,468,000

Bureau of Alcohol, Tobacco, Firearms and Explosives (DOJ)

- Salaries and Expenses: \$4 million

Federal Prison System (DOJ)

- Salaries and Expenses: \$17 million

Military Personnel (DOD)

The President's supplemental request (including an additional \$205,000,000 in the amended request) included \$12,349,624,000 for military personnel. The bill introduced in the House of Representatives includes \$13,567,000 for military personnel – an increase of 1.217 billion above the President's request.

- Army: \$8,878,899,000

The President's request (as amended) included \$8,510,270,000

- Navy: \$1,100,410,000

The President's request included \$692,127,000

➤ Marine Corps: \$1,495,828,000

The President's request included \$1,386,871,000

➤ Air Force: \$1,229,334,000

The President's request (as amended) included \$1,101,287,000

➤ Army Reserve: \$173,244,000

The President's request included \$147,244,000

➤ Navy Reserve: \$82,800,000

The President's request included \$72,800,000

➤ Marine Corps Reserve: \$15,000,000

The President's request included \$0

➤ Air Force Reserve: \$14,100,000

The President's request included \$3,000,000

➤ Army National Guard: \$552,725,000

The President's request included \$436,025,000

➤ Air Force National Guard: \$24,600,000

The President's request included \$0

Operation and Maintenance (DOD)

The legislation includes \$52,499,979,000 for Operation and Maintenance, an increase of \$2.184 billion compared to the President's budget. Up to \$456,000,000 of these funds may be used to fund the Commander's Emergency Response Programs. Additionally, no more than 90% of the Operation and Maintenance funds may be used until the Secretary of Defense submits a report to congressional committees "detailing the use of contracted services in support of United States military and reconstruction activities in Iraq and Afghanistan."

➤ Army: \$20,897,672,000

The President's request (as amended) included \$20,423,379,000

➤ Navy: \$5,115,397,000

This provision allows up to \$120,293,000 to be transferred to Coast Guard “Operating expenses.”

The President’s request (as amended) included \$5,040,482,000

➤ Marine Corps: \$1,503,694,000

The President’s request included \$1,401,594,000

➤ Air Force: \$6,909,259,000

The President’s request (as amended) included \$7,035,881,000

➤ Defense-Wide: \$2,855,993,000

This legislation allows \$300,000,000 to remain available for payments to reimburse Pakistan, Jordan and other cooperating nations for logistical, military and other support provided. Additionally, \$100,000,000 may be transferred to the Department of State “Economic Support Fund.” The Secretary of Defense must report to congressional committees at least five days prior to making any transfer. The Secretary is required to report quarterly to the appropriations committees on the use of these funds.

The President’s request (as amended) included \$3,279,307,000

➤ Army Reserve: \$74,049,000

The President’s request included \$74,049,000

➤ Navy Reserve: \$111,066,000

The President’s request included \$111,066,000

➤ Marine Corps Reserve: \$13,591,000

The President’s request included \$13,591,000

➤ Air Force Reserve: \$10,160,000

The President’s request included \$10,160,000

➤ Army National Guard: \$133,569,000

The President’s request included \$83,569,000

- Air National Guard: \$38,429,000

The President's request included \$38,429,000

Funds

- Afghanistan Security Forces Fund (DOD): \$5,906,400,000

The President's request included: \$5,906,400,000

- Iraq Security Forces Fund (DOD): \$3,842,300,000

The President's request included \$3,842,300,000

- Iraq Freedom Fund (DOD): \$155,600,000

The President's request (as amended) included \$565,600,000

- Joint Improved Explosive Device Defeat Fund (DOD): \$2,432,800,000

The President's request included \$2,432,800,000

- Strategic Reserve Readiness Fund (DOD): \$2,500,000,000

These funds are for training, operations, repair of equipment, purchases of equipment and other expenses to improve the readiness of non-deployed military forces. These funds may be transferred to military personnel, operation and maintenance, procurement and defense working capital funds within 120 days (Secretary of Defense shall report to congressional committees at least five days prior to such a transfer)

The President's request included \$0

Procurement (DOD)

- Aircraft, Army: \$461,850,000

The President's request included \$627,750,000

- Missile, Army: \$160,173,000

The President's request included \$160,173,000

- Weapons and Tracked Combat Vehicles, Army: \$3,474,389,000

The President's request (as amended) included \$3,502,315,000

- Ammunition, Army: \$681,500,000

The President's request included \$681,500,000

- Other, Army: \$10,197,399,000

The President's request (as amended) included \$10,946,687,000

- Aircraft, Navy: \$995,797,000

The President's request (as amended) included \$730,713,000

- Weapons, Navy: \$171,813,000

The President's request included \$171,813,000

- Ammunition, Navy and Marines: \$159,833,000

The President's request included \$159,833,000

- Other, Navy: \$937,407,000

The President's request (as amended) included \$745,425,000

- Procurement, Marine Corps: \$1,885,383,000

The President's request (as amended) included \$2,055,715,000

- Aircraft, Air Force: \$2,474,916,000

The President's request (as amended) included \$1,726,336,000

- Missile, Air Force: \$140,300,000

The President's request included \$140,300,000

- Ammunition, Air Force: \$95,800,000

The President's request included \$95,800,000

- Other, Air Force: \$2,042,183,000

The President's request included \$2,092,754,000

- Defense-Wide: \$934,930,000

The President's request included \$979,380,000

Research, Development, Test and Evaluation (DOD)

- Army: \$60,781,000

The President's request included \$115,976,000

- Navy: \$295,737,000

The President's request included \$460,175,000

- Air force: \$132,928,000

The President's request included \$220,721,000

- Defense-Wide: \$545,904,000

The President's request included \$650,864,000

Revolving and Management Funds (DOD)

- Defense Working Capital Funds: \$1,315,526,000

The President's request included \$1,315,526,000

- National Defense Sealift Fund: \$5,000,000

The President request included \$5,000,000

Other DOD Programs

This section of the bill does not include \$50,000,000 for the Medical Support Fund included in the President's request.

- Defense Health Program: \$2,789,703,000

The President's request included \$1.073 billion.

Of these funds, \$2,789,203,000 is required to be used for operation and maintenance and \$500,000,000 is required be used for research, development, test and evaluation.

The Murtha Manager's Amendment adds a section directing that \$30 million of funding provided for Defense Health Program be used for "strengthening the recruitment and formalized training for administrative and casework personnel." This is meant to address the problem of disability reviews not being conducted in a timely manner.

- Drug Interdiction and Counter-Drug Activities (Defense): \$259,115,000

This is the same as the President's request.

This legislation prohibits more than \$100,000,000 of these funds be used to support counter-drug activities of the Government of Iraq and Afghanistan. Additionally, the Secretary of Defense may transfer vehicles, aircraft, detection, interception and monitoring equipment to these governments for counter-drug activities.

Related Agencies

- Intelligence Community Management Account: \$57,426,000

The President's request included \$66,789,000 million.

Additional Legislative Provisions (DOD)

- Secretary of Defense may transfer \$3,500,000,000 and is required to notify Congress of any transfer.
- Any funds appropriated for intelligence activities are deemed to be authorized for purposes of section 504(a)(1) of the National Security Act of 1947.

USC 414(a)(1) requires authorization of intelligence activities prior to expending funds.
- The Secretary of Defense must submit a report to congressional committees within 15 days of each fiscal quarter regarding the source and allocation of funds made available in this chapter of the bill.
- Adjusts authorization of the Common Funded Budget of NATO (Military Budget) from \$310,277,000 to \$376,446,000.
- Prohibits funds from being used to establish any permanent U.S. military installation or base in Iraq and prohibits funds from being used to control any oil resources in Iraq.

- Prohibits funds from being used “in contravention” to laws passed to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Requires the Secretary of Defense to report to congressional committees on the “individual transition readiness assessments by unit of Iraq and Afghan security forces.”
- Requires the Director of the Office of Management and Budget to submit a report to congressional committees on the proposed use of funds within the Iraq Security Forces Fund and Afghanistan Security Forces Fund.
- Requires the Secretary of Defense to reduce (proportionally among the accounts) the operation and maintenance funds by \$815,000,000 to “reflect savings attributable to efficiencies and management improvements in the funding of contracts in the military departments.” The Secretary must notify congressional committees at least five days prior to making these reductions.

National Nuclear Nonproliferation (DOE)

- Defense Nuclear Nonproliferation: \$150,000,000

Departmental Management and Operations (DHS)

- Analysis and Operations: \$35,000,000

Customs and Border Protection (DHS)

- Salaries and Expenses: \$100,000,000

Bill language requires these funds to be used to increase the number of inspectors, intelligence analysts and support staff responsible for container inspection. Additionally, up to \$1,000,000 is required to be transferred to Salaries and Expenses for the Federal Law Enforcement Training Center

- Air and Marine Interdiction, Operations, Maintenance and Procurement: \$150,000,000

Transportation Security Administration (DHS)

- Aviation Security: \$1,250,000,000

Requires \$1,000,000,000 to be for explosive procurement and installation; \$90,000,000 shall be for expansion of checkpoint explosive detection pilot systems; and \$160,000,000 shall be for screening of cargo carried on passenger aircraft.

National Protection and Programs (DHS)

- Infrastructure Protection and Information Security: \$25,000,000

The legislation requires these funds to be used for development of state and local interoperability plans in conjunction with SAFECOM program office.

Federal Emergency Management Agency (DHS)

- Salaries and Expenses: \$25,000,000
- State and Local Programs: \$415,000,000

\$190,000,000 of these funds shall be used for port security grants and \$225,000,000 shall be used for intercity rail passenger transportation, freight rail, and transit security grants.

- Emergency Management Performance Grants: \$100,000,000

Domestic Nuclear Detection Office (DHS)

- Systems Acquisition: \$400,000,000

EMP Commission

- Reauthorizes the EMP Commission through June 30, 2008 instead of allowing authorization to expire at end of September 30, 2007 (Added to the bill by the Murtha's Manager Amendment during markup).

Additional Legislative Provisions (DHS)

- Prohibits funds to be used by the Secretary of DHS to "approve a site plan for a chemical facility, unless the facility meets or exceeds security standards or requirements established for such a facility by the state or local government for the area where the facility is located."

**Note: Representative Culberson (R-TX) offered an amendment in committee to remove this provision from the bill, but it was rejected by voice vote.*

House of Representatives (Leg. Branch)

- Salaries and Expenses, Allowances and Expenses: \$6,437,000

These funds are for business continuity and disaster recovery.

Military Construction (DOD)

➤ Army: \$1,329,240,000

The legislation requires that no more than \$168,200,000 shall be used for study, planning, design and architect and engineer services; \$25,600,000 shall not be used until the Secretary of Defense submits an updated 1391 form to the Appropriations Committees addressing the actual housing requirement for the Consolidated Compound in Kabul, Afghanistan; \$369,690,000 shall not be used until the Secretary of Defense submits a report “explaining how military road construction is coordinated with NATO and coalition nations”; \$401,700,000 shall not be used until the Secretary of Defense submits a spending plan (including a 1391 form for each project) to the Appropriations Committees, to support Army end-strength growth.

The President’s request (as amended) included \$1,289,290,000

➤ Navy and Marine Corps: \$389,300,000

No more than \$49,600,000 shall be used for planning, study, design and architect and engineering services; \$200,000,000 shall not be used until the Secretary of Defense submits a detailed spending plan (including a 1391 form) for each project to the Appropriations Committees to support Marine-Corps end-strength growth.

The President’s request (as amended) includes \$390,500,000.

➤ Air Force: \$60,200,000

No more than \$60,200,000 shall be used for planning, study, design and architect and engineering services.

The President’s request includes \$60,200,000

➤ Department of Defense Base Closure Account of 2005: \$3,136,802,000

The Secretary of Defense is required to submit a detailed report within 30 days that includes a detailed spending plan.

The President’s request includes \$0

**Note: The SAP expresses concern about this provision since the cost is not offset.*

Veterans Benefits Administration (VA)

➤ Compensation and Pensions: \$20,000,000

These funds are for a pilot program for disability examinations

The President's request did not include funding for this account.

Veterans Health Administration (VA)

➤ Medical Services: \$414,982,000

\$30,000,000 shall be used for a new Level I comprehensive polytrauma center; \$56,000,000 shall be used for prosthetics; \$100,000,000 shall be used for contract mental health care when appointment times exceed 30 days; and \$228,982,000 shall be used for treatment of veterans of the Global War on Terror

The President's request did not include funding for this account.

➤ Medical Administration: \$256,300,000

\$6,300,000 shall be used for polytrauma support clinic teams for case management

The President's request did not include funding for this account.

➤ Medical Facilities: \$595,000,000

\$45,000,000 shall be used for upgrades to polytrauma care centers and \$550,000,000 shall be used for non-recruiting maintenance identified by the Veterans Affairs Facility Condition Assessment Report.

The President's request did not include funding for this account.

➤ Medical and Prosthetic Research: \$35,000,000

These funds shall be used for research relating to Operation Iraqi Freedom / Enduring Freedom survivors.

The President's request did not include funding for this account.

Departmental Administration (VA)

➤ General Operating Expenses: \$62,000,000

\$1,250,000 shall be used for digitization of records and \$60,750,000 shall be used for hiring and training new claims processing personnel

The President's request did not include funding for this account.

- Information Technology Systems: \$35,000,000

The President's request did not include funding for this account.

- Construction, Major Projects: \$23,800,000

The President's request did not include funding for this account.

- Construction, Minor Projects: \$260,000,000

The President's request did not include funding for this account.

Administration of Foreign Affairs (DOS)

- Diplomatic and Consular Programs: \$966,954,000

\$102,155,000 shall be used for the World Wide Security Upgrades; \$258,000 shall be transferred and merged with funds available for expenses for the United States Commission on International Religious Freedom; \$395,000,000 of the total amount of Iraq operations shall not be used until the Appropriations Committee receives and approves a detailed plan for expenditure; \$50,000,000 may be used to establish and maintain a civilian reserve corps (but must be authorized first)

- Office of Inspector General: \$46,800,000

\$45,500,000 shall be used transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight

- Educational and Cultural Exchange Programs: \$20,000,000

International Organizations (DOS)

- Contributions for International Peacekeeping Activities: \$288,000,000

Related Agency

- Broadcasting Board of Governors, International Broadcasting Operations: \$10,000,000

These funds are for broadcasting activities in the Middle East

United States Agency for International Development

- Child Survival and Health Programs Fund: \$161,000,000
- International Disaster and Famine Assistance: \$135,000,000

- Operating Expenses: \$10,700,000
- Operating Expenses, Inspector General: \$3,500,000

Bilateral Economic Assistance

- Economic Support Fund: \$2,953,000,000

None of these funds can be made available for cash transfer assistance for the Government of Lebanon until the Secretary of State reports to the Appropriations Committees on Lebanon's reform plan and the benchmarks that have been agreed upon by both the U.S. and Lebanon.

- Assistance for Eastern Europe and the Baltic States: \$239,000,000

Department of State

- International Narcotics Control and Law Enforcement: \$334,500,000

None of these funds may be used for military or police assistance until the Secretary of State reports to Congress on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in U.S. training and on the end use monitoring of all equipment provided.

- Migration and Refugee Assistance: \$111,500,000
- U.S. Emergency Refugee and Migration Assistance Fund: \$35,000,000
- Nonproliferation, Antiterrorism, Demining and Related Programs: \$87,500,000

Department of Treasury

- International Affairs Technical Assistance: \$2,750,000

Military Assistance (DOS)

- Foreign Military Financing Program: \$260,000,000

None of these funds may be used for military or police assistance until the Secretary of State reports to Congress on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in U.S. training and on the end use monitoring of all equipment provided.

- Peacekeeping Operations: \$225,000,000

Additional Legislative Provisions (DOS)

- The Secretary of State must complete a report within 45 days to the Appropriations Committees on the Government of Lebanon's actions to implement section 14 of UN Security Council Resolution 1701.

Section 14 of Resolution 1701 calls upon the Government of Lebanon to secure its borders and other entry points to prevent the entry into Lebanon without its consent of arms or related materiel and requests UNIFIL as authorized in paragraph 11 to assist the Government of Lebanon at its request.

Fully Mission Capable Requirement

- Maintains that DOD policy is that units should not be deployed for combat unless they are rated "fully mission capable." Prohibits funds from being spent unless the chief of the appropriate military department certifies in writing to the Appropriations Committee - at least 15 days prior to deployment - that the unit is "fully mission capable."

The President may waive this requirement if he certifies in writing to the Appropriations Committees that the unit is required for national security reasons, along with a classified and unclassified report on why the unit is necessary despite not being "fully mission capable."

*Note: "fully mission capable" is defined as: capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the DOD readiness reporting system.

Limitation of Deployment Requirement

- Maintains that DOD policy is that Army, Army Reserve and National Guard units should not be deployed beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

The President may waive this requirement if he certifies in writing to the Appropriations Committees that deployment to Iraq beyond these periods is required for national security reasons (along with a classified and unclassified report on why the unit's deployment is necessary).

Prohibition on Redeployments

- Maintains that DOD policy is Army, Army Reserve, and National Guard Units should not be redeployed for combat if the unit has been deployed within the

previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed within the previous 210 days.

The President may waive this requirement if he certifies in writing to the Appropriations Committees that redeployment is required for national security reasons (along with a classified and unclassified report on why the unit's redeployment is necessary).

Withdrawal

Requires the President to submit a report to Congress (on or before July 1, 2007) on whether the Government of Iraq is:

- giving U.S. Armed Forces and Iraqi Security Forces the authority to pursue all extremists
- making progress in delivering Iraqi Security Forces for Baghdad
- intensifying efforts to build balanced security forces throughout Iraq
- ensuring Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces
- eliminating militia control of local security
- ensuring fair and just enforcement of laws
- developing committees in support of the Baghdad Security Plan
- making substantial progress in meeting its commitment to pursue reconciliation initiatives (including the enactment of a hydro-carbon law, adoption of legislation necessary for the conduct of provincial and local elections, reform of current laws governing the de-Baathification process, amendment of the Constitution and allocation of Iraqi revenues for reconstruction projects)
- making substantial progress with the United States in reducing the level of sectarian violence in Iraq

On or before October 1, 2007, the President must certify to Congress that the Government of Iraq has "enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis; adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections; reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws; amended the Constitution of Iraq consistent with the principles contained in article 137 of such constitution; and allocated and begun expenditure of \$10 billion in

Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.”

H.R. 1591 requires that 50% of the funds for the Iraq Security Forces Fund, Economic Support Fund, and International Narcotics Control and Law Enforcement Fund be held until the President makes this certification.

- If the President determines the conditions (above) have not been met (or if the President cannot make the certification), the Secretary of Defense shall commence and complete the redeployment of Armed Forces from Iraq within 180 days.
- If the President does make the certification (above), the Secretary of Defense shall commence the redeployment of Armed Forces from Iraq no later than March 1, 2008 (must be completed within 180 days).
- Once troops are redeployed, no troops can be deployed to Iraq unless they are protecting diplomatic facilities, serving in diplomatic positions, participating in special actions limited to killing or capturing terrorists or training the Iraqi Security Forces.

The SAP specifically mentions the President’s intention to veto H.R. 1591 if this section of the bill is included.

Coordinator for Iraq Assistance

- The President shall appoint a Coordinator for Iraq Assistance (who shall be confirmed by the Senate and have the rank of Ambassador)
- The Coordinator shall be responsible for coordinating a strategy for Iraqi assistance, working with the Government of Iraq to meet the benchmarks, coordinating with other donors providing assistance to Iraq, ensuring the appropriate management of programs in Iraq, resolving agency disputes, and coordinating assistance programs with the reconstruction programs funded by Iraq

Walter Reed Closure

- Prevents Walter Reed Army Medical Center from being closed down as part of the BRAC process (included as part of Murtha Manager’s Amendment during committee markup).

Trained Military Attorneys for Physical Evaluation Boards

- Appropriates “such sums as may be necessary” to provide trained military attorneys to represent soldiers pursuing claims before Physical Evaluation Boards and earlier in the Army Disability Evaluation System process. This provision was

an amendment offered by Representative Wicker and passed by voice vote during full committee.

Sense of Congress Regarding President as Commander in Chief and Congressional War Powers

- Expresses sense of Congress that the President is Commander in Chief and the role of Commander in Chief is granted solely to the President by Article II, Section 2 of the U.S. Constitution (Rehberg Amendment).
- Expresses sense of Congress that Congress solely has the power to declare war under Article I, Section 8, Clause 11 of the U.S. Constitution (added as part of Murtha Substitute amendment to Rehberg Amendment adopted in full committee by voice vote).

New Diplomatic Offensive

- In the Committee Report language is included recommending that the President follow the Iraq Study Group's recommendations with regard to a "New Diplomatic Offensive" for Iraq and the Region. This was an amendment adopted during markup. It was offered by Representative Jim Moran and passed by voice vote.

Congressional Findings on Iraq War

- States Congressional findings regarding the authorization of force in Afghanistan, the authorization of force in Iraq, the honorable service of our troops in fighting terrorism and providing for the security of the United States, and the sacrifices made by the troops while fighting for the security of the United States.

This was part of a Murtha Substitute Amendment (to an amendment offered during the Appropriations markup by Ranking Member Jerry Lewis) that passed by a vote of 37 to 27 during the committee markup. The Murtha Substitute Amendment also expresses Congressional support for the "needs of the Armed Forces who the Commander in Chief has deployed in harm's way" but deletes the portion of Lewis's proposed amendment which states "Congress will not cut off or restrict funding for units and members of the Armed Forces that the Commander in Chief has deployed in harm's way in support of Operation Iraqi Freedom and Operation Enduring Freedom." The Murtha Substitute Amendment also deleted the section of the Lewis Amendment that eliminates provisions in the underlying bill providing for a timetable for withdrawal of U.S. troops from Iraq.

Sense of Congress regarding Commanders in Iraq

- Expresses the sense of the Congress that commanders should be allowed to conduct the war and manage the movements of troops and Congress should

remain focused on executing its oversight role. This provision was part of an amendment offered by Representative Crenshaw that passed by voice vote during the committee markup.

Title II: Additional Hurricane Disaster Relief and Recovery

Department of Agriculture

- 2005 Livestock Indemnity Program: \$25,000,000
- Emergency Financial Assistance of 2005 and 2006: \$15,000,000

These funds are for producers of irrigated crops in the area of Hurricane Katrina or Rita, due to saltwater contamination, were planted in 2006 and suffered a loss or were prevented from being planted.

- 2005 Hurricanes Citrus Program: \$100,000,000

These funds provide assistance to citrus producers impacted by Hurricane Katrina or Rita.

Department of Commerce

- National Oceanic and Atmospheric Administration (NOAA) Operations, Research and Facilities: \$120,000,000

These funds provide assistance to the shrimp and menhaden fishing industries.

National Aeronautics and Space Administration

- Exploration Capabilities: \$35,000,000

Department of Defense – Civil Department of the Army

- Construction: \$37,080,000
- Flood Control and Coastal Emergencies: \$1,300,000,000

These funds shall be used to restore flood damage reduction and hurricane and storm damage reduction projects. Up to \$650,000,000 of these funds may be used to improve protection at the Inner Harbor Navigation Canal.

Small Business Administration

- Disaster Loans Program Account: \$25,069,000

Federal Emergency Management Agency (DHS)

- Disaster Relief: \$4,310,000,000

\$4,000,000 shall be transferred to the Office of the Inspector General

- Removes the non-federal share requirements of the Stafford Act for Louisiana, Mississippi, Florida and Texas for assistance relating to Hurricane Katrina and Rita. The President's SAP expresses concern about this provision.

**Note: Provision applied to Florida as part of the Murtha Manager's Amendment.*

Administration for Children and Families (HHS)

- Extends the funds available for the Social Services Block Grant until the end of fiscal year 2008.

Innovation and Improvement (Department of Education)

- Elementary and Secondary Education Act of 1965: \$30,000,000

These funds are for Louisiana, Mississippi and Alabama to recruit and compensate teachers and school administrators in secondary school affected by Hurricanes Katrina and Rita. Additionally, that State, along with local interests, shall develop a rating system for performance bonuses. If one is not developed, the State shall notify Congress and establish the rating system.

Hurricane Education Recovery (Department of Education)

- Expands the authorization of PL 109-148 (Section 102(d)) to provide funding for recruiting and compensating principals, teachers and other school administrators for position in reopening public elementary and secondary schools impacted by Hurricanes Katrina and Rita. Additionally, that State, along with local interests, shall develop a rating system for performance bonuses. If one is not developed, the State shall notify Congress and establish the rating system.

- Higher Education: \$30,000,000

These funds shall be used to help defray the costs of institutions of higher education that were forced to close for at least 30 days between August 25, 2005 and January 1, 2006 as result of damage from hurricanes in the Gulf of Mexico.

Public and Indian Housing (HUD)

- Tenant-based Rental Assistance: \$80,000,000

This provision also rescinds \$80,000,000 in unobligated funds from PL 109-148.

- Office of the Inspector General: \$10,240,000

These funds are to be used for expenses related to Hurricanes Katrina and Rita and other hurricanes of 2005.

Title III: Agricultural Assistance

The agriculture assistance provided in this legislation includes \$3.7 billion of un-requested funds for:

- Crop Disaster Assistance:

Provides “such sums as are necessary”

In accordance with Section 3106 of this bill, this assistance is exempted from the Administration Procedure Act and the Paperwork reduction Act.

- Livestock Assistance:

In accordance with Section 3106 of this bill, this assistance is exempted from the Administration Procedure Act and the Paperwork reduction Act.

- Spinach: \$25,000,000

These funds are for producers that were unable to make payments to growers of fresh spinach that were unable to market spinach as a result of the FDA Public Health Advisory issued on September 14, 2006. The payment cannot exceed 75% of value of the product.

**Note: Representative Mark Kirk offered an amendment to eliminate this spending from the bill, but it was defeated by voice vote.*

- Emergency Conservation Program: \$20,000,000

- Milk Income Loss Contract Program: \$283,000,000

H.R. 1591 requires \$252,000,000 to be available after September 30, 2007 (as long as a re-authorization of the Farm Bill is not enacted).

- Peanut Storage Costs: \$74,000,000

H.R. 1591 requires these funds to be available after September 30, 2007 and as long as a re-authorization of the Farm Bill is not enacted.

- Losses due to APHIS Emergency Order: \$5,000,000

These funds shall be used for compensating the aquaculture operations that were impacted by the emergency order issued on October 24, 2006, prohibiting the importation of certain species of fish.

Title IV: Other Matters

Farm Service Agency (USDA)

- Salaries and Expenses: \$48,000,000

Additional Legislative Provisions (USDA)

- At least \$4,000,000 that was previously made available in FY 2007 for the FDA shall be for the FDA Office of Women's Health

National Oceanic and Atmospheric Administration (Department of Commerce)

- Operations, Research, and Facilities (National Marine Fisheries Service): \$60,400,000

These funds are for individuals and fishermen that were impacted by the commercial fishing failure announced by the Secretary of Commerce on August 10, 2006, which includes the Klamath River region in California and Oregon.

Department of Homeland Security

- Rescinds \$89,800,000 from the Homeland Security Appropriations Act of 2006 (Pl 109-90) for salaries and expenses

Requires the Coast Guard to implement reforms in its procurement systems, including technical reviews of design and design changes and independent cost estimates of major changes. Also requires contractor performance to be measured on all work performed.

Bureau of Land Management (DOI)

- Wildland Fire Management: \$100,000,000

These funds can only be used if the Secretary of the Interior notifies the Appropriations Committees on the need for these funds. The President's request did not include funds for this account.

United States Fish and Wildlife Service (DOI)

- Resource Management: \$7,398,000

These funds are for the detection of highly pathogenic avian influenza in wild birds.

National Park Service (DOI)

- Operation of the National Park System: \$525,000

These funds are for the detection of highly pathogenic avian influenza in wild birds.

U.S. Geological Survey (DOI)

- Surveys, Investigations, and Research: \$5,270,000

These funds are for the detection of highly pathogenic avian influenza in wild birds.

Forest Service (USDA)

- Wildland Fire Management: \$400,000,000

The President's request did not include funding for this account. There are existing funds available for this account.

Additional Legislative Provisions (DOI and DOL)

- Secure Rural Schools and Community Self Determination Act: \$400,000,000

This legislation was originally enacted in 2000 and the above provision provides a 1 year extension.

- Allows for \$7,300,000 to be transferred to the Indian Health Facilities account in the Continuing Appropriations Resolution, 2007 (PL 109-289).
- Requires \$13,000,000 from the Continuing Appropriations Resolution, 2007 (PL 109-289) to be used for Save America's Treasures.

National Institutes of Health (HHS)

- Transfers \$49,500,000 in the Continuing Appropriations Resolution, 2007 (PL 109-289) from the National Institute of Allergy and Infectious Diseases to the Public Health and Social Services Emergency Fund.

- Low Income Home Energy (LIHEAP) Assistance: \$200,000,000

These funds are for the LIHEAP formula and will be available until the end of Fiscal Year 2008.

- Low Income Home Energy Assistance (Emergency Funds): \$200,000,000

These funds are emergency funds for LIHEAP and will be available until the end of Fiscal Year 2007.

Office of the Secretary (HHS)

- Public Health and Social Services Emergency Fund: \$969,650,000

These funds are to prepare for and respond to an influenza pandemic. \$870,000,000 shall be used for the development and purchase of a vaccine, antivirals and medical supplies, which may be deposited in the Strategic National Stockpile. Additionally, at least \$34,650,000 shall be for the CDC for laboratory diagnostics.

This provision allows the transfer of funds to other accounts at HHS for similar accounts.

There was similar funding proposed in the Fiscal Year 2008 Budget request, but it was not designated as an emergency.

- Covered Countermeasure Process Fund: \$50,000,000

These funds are for compensating individuals for injuries caused by the H5N1 vaccine. The President's request did not include funding for this account.

Payments to Widows and Heirs of Deceased Members of Congress (Leg. Branch)

- Gloria W. Norwood: \$165,200

Architect of the Capitol (Leg. Branch)

- Capitol Power Plant: \$50,000,000

These funds are for asbestos abatement and other improvements.

International Commissions (DOS)

- International Boundary and Water Commission, United States and Mexico Construction: \$10,000,000

- Allows funds appropriated in 2007 for “Bilateral Economic Assistance – Department of the Treasury – Debt Restructuring” to be used to assist Liberia in retiring debt to the IMF, International Bank for Reconstruction and the African Development Bank

Title V: Contracting Reform

This section of the legislation contains several of the major provisions within HR 1362, which passed the House on March 15, 2007.

Legislative Digest - [H.R. 1362: Accountability in Contracting Act](#)

Title VI: SCHIP Shortfall

Provides \$750 million to eliminate the SCHIP funding shortfall.

SCHIP is a capped-grant program. According to CRS, 14 states have SCHIP shortfalls of a total amount of \$745 million.

The original version of the legislation, before being amended as part of the Murtha Manager’s Amendment provided “such sums as necessary” to address the Fiscal Year 2007 state funding shortfalls.

Title VII: Minimum Wage Increase and Small Business Tax Relief

This title is identical to the House-passed version of H.R. 976 and H.R. 2, except for one change made during committee markup. Representative Mark Kirk offered an amendment, accepted by voice vote, which extends the minimum wage to American Samoa, something not included in H.R. 2.

Legislative Digest - [H.R. 2: Fair Minimum Wage Act of 2007](#)

Legislative Digest - [H.R. 976: Small Business Tax Relief Act of 2007](#)

Manager’s Amendment

The manager’s amendment makes two technical changes:

- Places Alabama on the list of states affected by Hurricanes Katrina and Rita and makes Alabama eligible for certain waivers under section 2501 of the bill; and
- Corrects the provision of the FY 2007 State Children's Health Insurance Program (SCHIP) to clarify that this is a one-time appropriation that does not have any effect on spending in years after FY 2007.

Staff Contact

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